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**Notice of Allowability**

Application No.

10/633,258

Applicant(s)

DICE, DAVID

Examiner

Pierre-Michel Bataille

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/06/07.
2. ☒ The allowed claim(s) is/are 1,4-24 and 27-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 47: (line 1) after "computer-readable" please insert the word -- storage --.

Claim 48: (line 1) after "computer-readable" please insert the word -- storage --.

### ***Allowable Subject Matter***

2. Claims 1, 4-24, and 27-49 are allowed.
3. The following is an examiner's statement of reasons for allowance: the present invention features a multiprocessing computer system having a plurality of processing devices and a method for identifying processes to be executed.

The following prior art made of record and not relied upon but considered pertinent to applicant's disclosure teach similar correlating features, include:

Marek Kubale, Preemptive scheduling of duoprocessor tasks on dedicated processors to minimize schedule length, IEEE electronic library, pp(s). 33-41, April 1995.

Vaswani et al. The Implications of Cache Affinity on Processor Scheduling for Multiprogrammed Shared Memory Multiprocessors ACM 1991.

Zahorjan, J., et al., "Processor Scheduling in Shared Memory Multiprocessors", Proc. 1990 Conf. on Measurement & Modeling of Computer Systems, Boulder, CO, 214-225, (May 22-25, 1990).

Tucker, A., et al., "Process Control and Scheduling Issues for Multiprogrammed Shared-Memory Multiprocessors", Proc.: 12th ACM Symposium on Operating Systems Principles, 23, Litchfield Park, Arizona, 159-166, (Dec. 3-6, 1989).

Lo, S., et al., "A Comparative Analysis of Multiprocessor Scheduling Algorithms", IEEE: 7th International Conf. on Distributed Computing Systems, Berlin, Germany, 356-363, (Sep. 21-25, 1987).

Black, D., "Scheduling Support for Concurrency and Parallelism in the Mach Operating System", Computer, 23, 35-43, (May 1990).

However none of the prior of record teaches the features as recited in the claims, specifically,

*providing, to a kernel responsible for selecting processes to execute amongst a plurality of processing devices, an identification of a second process as a process that is ready for execution in the multiprocessing computer system; and if the execution behavior pattern statistically does not meet the threshold associated with patterns of access to share data, causing the kernel to perform a*

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*normal successor selection process for selection of processes to succeed each other during execution.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon, Tue-Fri (8:00A to 5:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Michel Bataille  
Primary Examiner  
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